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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,989	07/21/2003	Jun Hirai	09812.0385-00000	5515
22852 7590 03/22/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER LOVING, JARIC E	
			ART UNIT	PAPER NUMBER
			2137	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/623,989	Applicant(s) HIRAI, JUN	
	Examiner Jaric Loving	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/19/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to Applicant's amendment received on December 22, 2006.
2. Applicant's arguments filed on December 22, 2006 have been fully considered, but they are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Taguchi et al., US 6,584,210.

In claims 1 and 15, Taguchi discloses an information processing apparatus and method, comprising:

retrieving means for retrieving, from an information signal, a detection signal for detecting digital watermark information (col. 11, lines 21-55);

communicating means for transmitting the detection signal to another apparatus and receiving a processed result for the digital watermark information detected from the detection signal (col. 3, lines 27-28; col. 11, lines 21-55);

controlling means for performing control so as to restrict processing of the information signal, based on the processed result (col. 13, lines 6-18); and

storing means for storing the processed result in a manner capable of communicating with another apparatus (col. 3, lines 27-28).

In claims 2 and 16, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein the detection signal comprises a component selected from, of content information for detecting the digital watermark information, components needed for the detection (col. 11, lines 21-55).

In claims 3 and 17, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein the controlling means generates a warning when an improper condition for executing processing on the information signal is detected based on the processed result (col. 13, lines 6-18 – majority decision provides notice of results).

In claims 4 and 18, Taguchi discloses an information processing apparatus and method according to claims 3 and 17, respectively, wherein the controlling means generates a varied warning in accordance with the number of detections of the improper condition (col. 13, lines 6-18).

In claims 5 and 19, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein, when an improper condition for executing processing on the information signal is detected based on the processed result, the controlling means imposes a restriction on a capability of

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processing the information signal in accordance with the number of detections of the improper condition (col. 13, lines 6-18).

In claims 6 and 20, Taguchi discloses an information processing apparatus and method according to claims 1 and 15, respectively, wherein the retrieving means retrieves the detection signal in accordance with the setting of a predetermined parameter (col. 7, line 6 – col. 8, line 4).

In claims 7 and 21, Taguchi discloses an information processing apparatus and method according to claims 6 and 20, respectively, wherein the predetermined parameter selectively sets a portion having a high distribution rate to the detection of relevant information based on the detection signal (col. 7, line 6 – col. 8, line 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-14 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi and further in view of Shur, US 6,330,672.

In claims 8 and 22, Taguchi fails to disclose the predetermined parameter sets a frequency band filter that passes a frequency band of relevant information. Shur discloses the predetermined parameter sets a frequency band filter that passes a frequency band of relevant information (col. 7, lines 41-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a frequency band filter to organize data streams. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a frequency band filter because it allows a digital signal to be relatively pure of adverse influences and confined to a known or expected bandwidth of the signal (Shur, col. 7, lines 45-47).

In claims 9 and 23, Taguchi fails to disclose the predetermined parameter sets the range of playback time of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets the range of playback time of an information signal on which relevant information is superimposed (col. 6, lines 1-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a range of playback time to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of playback time because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 10 and 24, Taguchi fails to disclose the predetermined parameter sets the range of a frame or field of playback video of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets the

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range of a frame or field of playback video of an information signal on which relevant information is superimposed (col. 6, lines 1-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a range of a frame or field of playback video to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of a frame or field of playback video because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 11 and 25, Taguchi discloses an information processing apparatus and method according to claims 6 and 20, respectively, wherein the predetermined parameter sets the range of pixels of an information signal on which relevant information is superimposed (col. 3, line 37 – col. 4, line 15). Taguchi fails to disclose playback video. Shur discloses playback video (col. 7, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing playback video to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of playback video because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 12 and 26, Taguchi fails to disclose the predetermined parameter sets a level range of a playback signal of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets a level range of a playback signal of an information signal on which relevant information is superimposed (col. 6, lines 1-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a range of playback signal to organize data. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a range of playback signal because it limits the ability to easily replicate digital video by simply copying binary bitstreams (Shur, col. 3, lines 26-33).

In claims 13 and 27, Taguchi fails to disclose the predetermined parameter sets a level range of a band-separated playback signal of an information signal on which relevant information is superimposed. Shur discloses the predetermined parameter sets a level range of a band-separated playback signal of an information signal on which relevant information is superimposed (col. 7, lines 41-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a band-separated playback signal to organize data streams. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a

band-separated playback signal because it allows a digital signal to be relatively pure of adverse influences and confined to a known or expected bandwidth of the signal (Shur, col. 7, lines 45-47).

In claims 14 and 28, Taguchi discloses an information processing apparatus according to claim 6, wherein the predetermined parameter selectively sets an intra picture of a group-of-picture structure when an information signal on which relevant information is superimposed (col. 3, lines 37-54; col. 4, lines 16-46). Taguchi fails to disclose an information signal is compressed and encoded in compliance with a motion picture experts group 2 standard. Shur discloses an information signal is compressed and encoded in compliance with a motion picture experts group 2 standard (col. 2, lines 46-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Taguchi's digital watermark processing method with Shur's method for watermarking digital bitstreams utilizing a compressed and encoded information signal in compliance with motion picture experts group 2 standard to organize data streams. It is for this reason that one of ordinary skill in the art would have been motivated to provide Taguchi's digital watermark processing method with a compressed and encoded information signal in compliance with motion picture experts group 2 standard because it helps eliminate redundancy in digital signals (Shur, col. 3, lines 48-51; col. 4, lines 10-25).

Response to Arguments

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7. Regarding claims 1-28, Applicant basically argues the Taguchi and Shur references do not disclose limitations in claim 1 and 15 as well as further features in claims 9 and 23 and therefore, the remaining claims are allowable.

As to claim 1, Applicant argues Taguchi "fails to teach or suggest the claimed 'communicating means for transmitting the detection signal to another apparatus'" and "fails to teach or suggest 'communicating means for... receiving a processed result for the digital watermark information detected from the detection signal.'" Examiner contends Taguchi discloses these limitations. In col. 11, lines 22-25, Taguchi states "The watermark inserted image 914 and the image obtained by altering the watermark inserted image 914 are generally called a watermark detecting image..." When considered with passage noted by Applicant, Taguchi does indeed disclose a detection signal and a processed result for the digital watermark information detected from the detection signal." Further, in col. 3, lines 27-28, Taguchi states "The inputting/outputting process 101 inputs an image and stores it into a storing apparatus." Therefore, the relevant information is transmitted and received by an input process and a storing apparatus.

Claim 15 has similar arguments and therefore follows the reasoning of claim 1. The remaining claims also follow the reasoning of claim 1 by their dependency to claims 1 and 15.

Taguchi has been disclosed as teaching the relevant limitations of claim 1 as to which Shur was not cited for teaching.

As to claim 9, Applicant argues "Shur fails to teach or suggest the claimed 'predetermined parameter sets the range of playback time of an information signal on which relevant information is superimposed.'" Examiner contends Shur discloses this limitation. In col. 6, lines 1-4, Shur states "The first task of the perceptual decoder as represented by step 80 is the generation of N sample points for the input digital stream of protectable information according to a compression algorithm." In col. 6, lines 30-33, Shur states "The quantization scale factor may be different types of data, such as audio or video. The scale factor selection may be responsive to the perceptual threshold determination process." Therefore, the information signal in this case may be audio or video. Since the signal is sampled by the predetermined parameter, the quantization scale factor, creates a sampling rate or range of playback time.

Claim 23 follows the reasoning of claim 9.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaric Loving whose telephone number is (571) 272-1686. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

JL

Matthew B. Smithers
MATTHEW SMITHERS
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Art Unit 2137